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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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MAY - 7 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Policies and Rules Concerning)
Children's Television Programming)

Revision of Programming Policies)
for Television Broadcast Stations)

MM Docket No. 93-48

To: The Commission

COMMENTS OF
CHILDREN'S TELEVISION WORKSHOP

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SUMMARY

In 1991, Children's Television Workshop ("CTW") urged meaningful implementation of the central requirement of the Children's Television Act of 1990: that each licensee must contribute to meeting the educational needs of children. Based on its more than twenty years' experience in developing engaging and entertaining children's television programming of proven educational and social value, CTW asked the FCC to use the authority entrusted to it by Congress to foster, to the greatest extent practicable, television's unrealized potential to educate.

Now, CTW shares the FCC's concern that the statute's promise has not been realized, either quantitatively or qualitatively, and that (in the words of Congressman Ed Markey), children's television "remains the video equivalent of a Twinkie." To remedy this situation, the Commission should first clarify the definition of educational programming. The FCC proposes that qualifying programming must have education as its "primary" or "explicit" purpose, with entertainment being only a "secondary" or "implicit" purpose, to preclude licensee reliance on entertainment programs wrapped with a cosmetic pro-social opening and closing. This is a false dichotomy, because programming that effectively meets children's educational needs must first "reach" before it can "teach." For this reason, CTW's program series, including its most recent, CRO, which will debut on the ABC Television Network this fall, have always been designed to **both** reach and teach.

Instead, the FCC should determine that only standard-length programming: (i) created with the assistance of educational advisors, one or more of whom is independent of the program's producer; (ii) developed to fulfill explicit written educational goals with respect to a specific target audience; and (iii) tested for its effectiveness in meeting those goals, qualifies as "core" educational children's programming. This process superimposes an objective standard on the present subjective test and, by virtue of the attention required to be placed on educational goals and results, holds significant potential for markedly increasing the qualitative benefits that today's children and youth can derive from broadcast television.

With respect to increasing the amount of educational programming broadcast for children, CTW heartily endorses the Commission's suggestion to adopt a processing guideline that would permit staff grant of renewal applications meeting the guideline. Initially, CTW suggests that this guideline be the greater of one hour or ten percent of each licensee's standard-length children's entertainment programming per week. Over the next three to five years, as more qualifying programming becomes available, the ten percent standard should be incrementally increased to twenty-five percent. Finally, CTW believes that qualifying "core" programming must be aired at times when reasonable numbers of children are in the viewing audience, and that the Commission should require licensees to place primary reliance on standard-length programming to meet their obligation to serve the educational needs of children and young people.

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COMMENTS OF
CHILDREN'S TELEVISION WORKSHOP

Children's Television Workshop ("CTW") hereby comments on the Notice of Inquiry in the above-captioned proceeding, 8 FCC Rcd 1841 (1993) ("Notice"), further implementing the goals of the Children's Television Act of 1990 ("the Act"). CTW applauds the

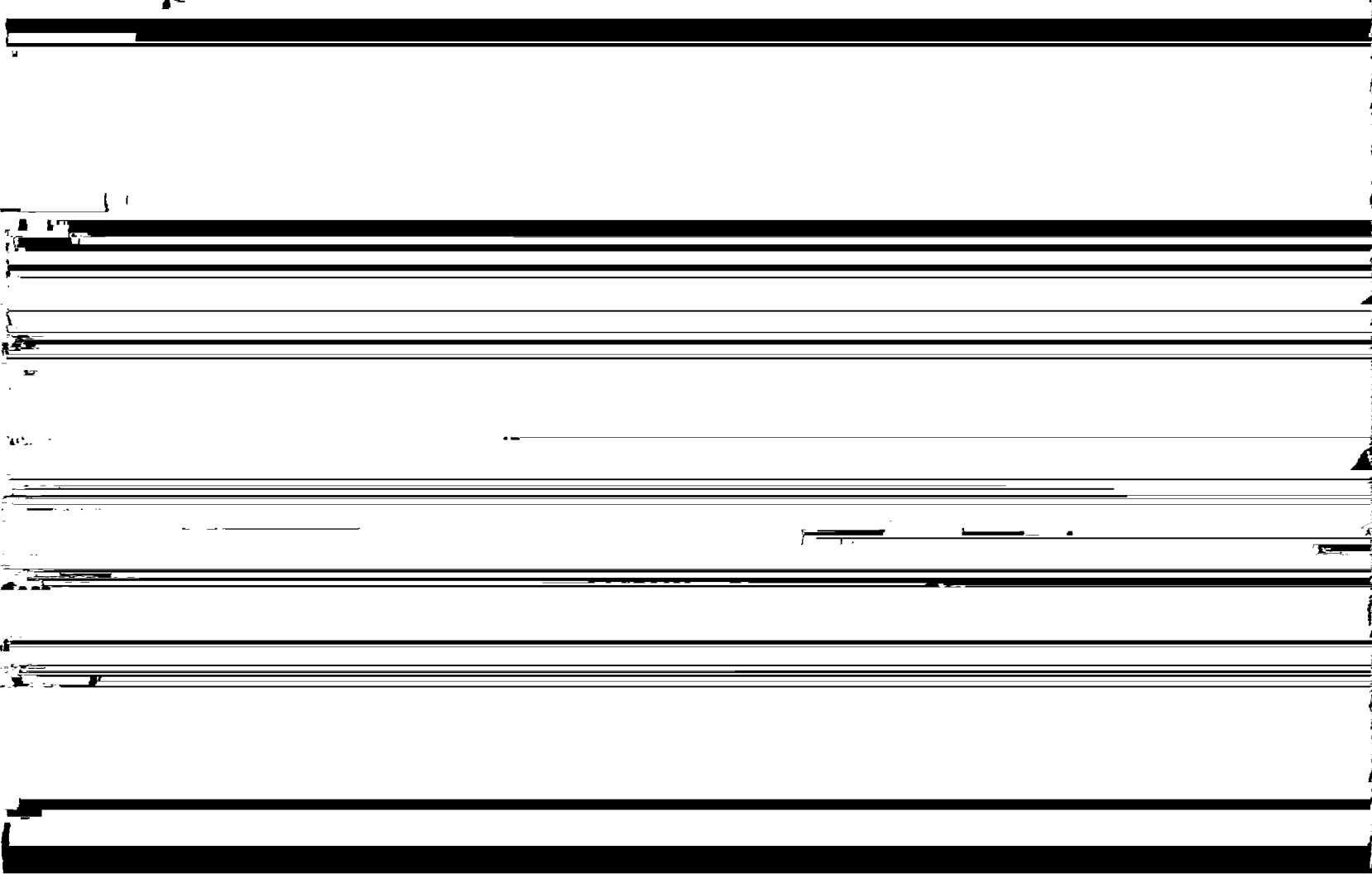
entertainment appeal. CTW's formal mission is to help educate children and young people through high-quality and entertaining video programming, related products and outreach efforts, with a special commitment to reaching minority or poor children. Its educational goals include not only imparting information and teaching cognitive and social skills, but also motivating and empowering children to learn and to have fun doing so.

SESAME STREET, CTW's first program series and now an international institution, was created in 1968 to help prepare preschoolers for school. It was followed by THE ELECTRIC COMPANY, designed to teach basic reading skills to six- to eleven-year-olds, and 3-2-1 CONTACT, still being shown in reformatted versions on public television, which presents a wide variety of scientific concepts to eight- to twelve-year-olds with a special effort to engage the interest of girls and minorities. SQUARE ONE TV, which premiered in 1987 and is also aimed at eight- to twelve-year-olds, uses parodies of familiar television formats to introduce a wide variety of mathematical concepts and demonstrate the use of mathematical problem-solving. GHOSTWRITER, CTW's newest series for public television, utilizes a reality-based mystery-adventure format to make reading and writing exciting to seven- to ten-year-olds.^{1/}

^{1/} SESAME STREET, THE ELECTRIC COMPANY, 3-2-1 CONTACT, and SQUARE ONE TV were all cited by the Senate Commerce Committee as being of proven educational merit. Children's Television Act of 1989, Senate Committee on Commerce, Science, and Transportation, S. Rep. No. 227, 101st Cong., 1st Sess. 6 (1989) ("S. Rep.").

Over the years, CTW has purposefully extended the reach of each program series and become a diversified educational enterprise serving not only children, but also their parents, teachers and caregivers. CTW publishes magazines for children and guides for teachers and parents, produces home videos, computer software and interactive materials, conducts workshops, develops child care and after-school programs, participates in educational forums, and explores educational applications of emerging media technologies.

In developing new creative educational endeavors, CTW typically employs a process that utilizes expert advisors, often interdisciplinary teams including content specialists, educational researchers and television producers that develops



six-to eleven-year-olds, with an emphasis on the nine-to-eleven age group. Its goals are to help stimulate children's interest in science and technology by showing that they are integral parts of daily life rather than abstractions, and to help increase children's familiarity with basic scientific and technological principles. These goals are to be achieved by using comedic adventure and the animation format to engage, entertain and thereby reach a large child audience.

GOVERNOR PHOEBE, another series intended for commercial television, is presently in development. A situation comedy, GOVERNOR PHOEBE's educational goals are to encourage positive attitudes about politics and government among children and young people; to provide them with an opportunity to learn about the formal and informal workings of state government; and to demonstrate how government and the public can interact to construct solutions to serious problems faced by children and others.

B. CTW's Objectives In This Proceeding.

In the FCC's 1991 children's television proceeding, CTW urged the Commission to meaningfully implement the Act's bedrock requirement that each television licensee provide programming specifically directed to meeting the educational and informational needs of children. Based on its more than twenty years' experience in researching, developing, testing and refining engaging and entertaining children's television

programming of proven educational and social value, CTW asked the FCC to use the authority entrusted to it by Congress to foster, to the greatest extent practicable, television's great potential to educate children and young people.

Now, CTW shares the Commission's concern that the statute's promise has not been realized. Not only has the Act's goal of increasing the amount of programming specifically designed to meet children's educational and emotional needs not been met, but more importantly, insufficient qualitative improvement in the programming available to children appears to have taken place since passage of the Act. Thus, CTW fully supports Congress' and the FCC's efforts to assure that children's television not "remain the video equivalent of a Twinkie," in the recent words of Congressman Ed Markey.^{2/}

To more fully realize these ends, and to clarify broadcasters' obligations in achieving them, the Commission should: (i) eliminate the definitional confusion regarding "educational" programming by declaring that qualifying programming must develop clear educational goals with the input of independent educational advisors, and be evaluated with respect to its success in meeting those goals; and (ii) establish a quantitative processing guideline for standard-length "core" educational programming, consisting initially of the greater of

^{2/} "Congress's message to broadcasters: Get your Children's Act together," Broadcasting & Cable, March 15, 1993 at 49.

ten percent of a licensee's children's entertainment programming or one hour per week.

II. QUALIFYING "CORE" STANDARD-LENGTH CHILDREN'S PROGRAMMING SHOULD BE PLANNED, PRODUCED AND TESTED TO MEET EXPLICIT EDUCATIONAL GOALS, WITH MEANINGFUL EXPERT INPUT.

The FCC's proposal that educational and

child's own fears or dilemmas, or an adventure in which the child can imagine herself or himself as the hero).

For this reason, CTW's program series have always been designed to both "reach and teach." CTW's researchers typically work closely with the production staff and outside experts to develop program elements that will combine audience appeal with educational effectiveness. The full range of creative production variables is employed to engage child viewers and make learning possible. For example, in SQUARE ONE TV, ten-minute "Mathnet" segments parody the familiar "Dragnet" detective serial format in order to engage children's attention and thereby interest them in, and demonstrate, mathematical problem-solving. In SESAME STREET, hand-puppet skits "entertain" the program's preschool viewers, but teach counting and the alphabet in the process.

Of course, CTW agrees with the Commission that wrapping a pure entertainment program with a cosmetic pro-social opening and closing does not create educational children's programming: this is "reaching" without "teaching." Nor should the Commission embrace the opposite extreme and simply require that qualifying programming "teach" an educational message. Dry, pedantic formats may be easy to produce, but they will not be watched. In lieu of the false dichotomy suggested by the Commission to clarify the educational programming requirement, the FCC should require qualifying programming to be produced to achieve specific educational goals with the guidance of educational advisors or consultants, and to be tested with respect to its effectiveness

in achieving those goals. These requirements are described below.

- B. In Order To Clarify The Definition Of "Educational And Informational Programming" So As To Foster The Act's Goal Of Meaningful Improvements In The Use Of Television To Educate Children, The FCC Should Require That "Core" Standard-Length Programming Be Conceived, Produced And Tested With The Assistance Of Independent Educational Experts.

To provide both objectivity and greater certainty to the determination of whether a given program qualifies as being, in the Act's words, "specifically designed to serve [the educational and informational] needs" of children, the FCC should determine that only standard-length programming: (i) developed with the assistance of educational advisors; (ii) created to fulfill explicit written educational goals with respect to a specific target audience; and (iii) tested for its effectiveness in meeting those goals qualifies as "core" educational children's programming.

A panel of consultants or advisors, such as child development professionals and/or experts in the substantive area which will be the subject of the program or program series, should be involved at the start of the program planning process. Many children's programs are already produced with the assistance of such expert advisors, which may include local elementary school teachers or university professors. However it is constituted, one or more members of the advisory group should be independent of the program's producer.

Before actual production starts, a written statement of the explicit cognitive and affective purposes of each program or series should be developed in consultation with the project's expert advisors, and, when completed, should be placed in the Public Inspection File of each station broadcasting the program (in conjunction with the station's listings of its educational and informational children's programming). These statements need not be lengthy, but they should identify the target audience intended to be reached, and the specific skills, information, or attitudes intended to be taught. For example, among the dozens of instructional goals for the twenty-fourth season of *SESAME STREET* (1992-1993), intended for preschoolers, are the following, illustrative of both the broad range of the series' aims and their specificity: the ability to give positive descriptions of African American, American Indian and Latino cultures and people; the ability to identify and recognize the function of thirteen specific human body parts; the ability to arrange parts into a whole which matches the model; and the ability to explain why recycling is a good idea. A wealth of other examples is contained in the National Association of Broadcasters' Service to Children Television Idea Book (1991), describing children's educational programming produced by commercial and noncommercial television stations throughout the United States.

Finally, a process for conducting a post-broadcast evaluation of the effectiveness of the program or program series in achieving its stated educational goals must be in place. A

written description of the evaluation should be prepared, placed in the Public Inspection File of stations carrying the program series, and submitted with the licensee's renewal application; it should state by whom the evaluation was performed, what methodology and assumptions were used, and what findings resulted. This evaluation need not be elaborate, but must be undertaken in good faith to learn whether the program or series was successful. Indeed, specifically in order to encourage creative and innovative educational programming, the FCC should fully credit such programming even if the evaluation demonstrates that the program's educational goals were not entirely achieved.

The above-described process of requiring that qualifying "core" standard-length educational children's programming both be created with the assistance of educational experts who help formulate written goals for each program or series, and be evaluated as to its effectiveness in meeting those goals, avoids the necessity of either broadcasters or the FCC having to make subjective judgments as to whether specific programs qualify as educational and informational. At the same time, by virtue of the attention required to be placed on educational goals and results, CTW's proposal holds significant potential for markedly increasing the benefits that today's children and youth can derive from broadcast television.

III. THE COMMISSION SHOULD ESTABLISH A PROCESSING GUIDELINE SPECIFYING A PERCENTAGE OR AMOUNT OF EACH LICENSEE'S STANDARD-LENGTH CHILDREN'S PROGRAMMING THAT WILL MEET THE "CORE" EDUCATIONAL AND INFORMATIONAL CHILDREN'S PROGRAMMING REQUIREMENT.

A. A Quantitative Guideline Offers Several Advantages.

CTW heartily endorses the Commission's suggestion that it adopt staff processing guidelines specifying an amount and type of children's programming that would permit staff grant of a license renewal application meeting the guidelines. Notice at 1843. There are several advantages to this proposal. First and foremost, a guideline will foster the Act's goal of increasing the amount of available educational programming, particularly if the steps outlined above to promote creative, high-quality educational programming are also adopted.

Second, broadcasters will obtain needed certainty and predictability as to their obligations, an especially important consideration given the long lead time needed to acquire or produce qualifying educational programming. In addition, FCC staff review of renewal applications will be greatly facilitated.

Finally, although Congress did not mandate a quantitative guideline, it did not bar the FCC from utilizing this means to implement the Act's programming requirement.^{3/}

^{3/} S. Rep. at 23 (Committee says it does not intend that FCC interpret Act as requiring a quantification standard governing amount of children's educational and informational programming that licensee must broadcast to obtain renewal; but Committee does not direct FCC not to do so); Children's Television Act of 1989, House Committee on Energy and

(continued...)

- B. The Greater Of One Hour Or Ten Percent Of Each Licensee's Standard-Length Children's Entertainment Programming Per Week Should Be Specifically Designed To Meet Children's Educational And Informational Needs.

To increase the amount of "core" educational children's programming available to the child and young teen audiences, the Commission should initially establish a processing guideline whereby each commercial and noncommercial television broadcaster would air the greater of (i) one hour per week of standard-length programming specifically designed to meet the educational and informational needs of children, or (ii) an amount of such "core" standard-length programming equal to ten percent of the total amount of non-qualifying children's programming aired by the station on a weekly basis. Under this formulation, for example, a station that broadcasts twenty-five hours of children's pure entertainment programming per week must air two and one-half hours of qualifying "core" educational programming during the week to meet the guideline, while a station that broadcasts only one children's entertainment hour per week would be required to air one hour of qualifying educational programming per week. CTW also proposes that at a later date, perhaps over the next three to five years, the ten percent standard be incrementally increased to a twenty-five percent test, to allow for the fact

^{3/}(...continued)

Commerce, H. R. Rep. No. 385, 101st Cong., 1st Sess. 17 (1989) (same); 136 Cong. Rec. S10122 (daily ed. July 19, 1990) (remarks of Sen. Inouye) (same).

that a greater amount of qualifying syndicated and network educational programming should be available on the market as time passes. In each case, compliance should be measured in terms of total weekly rather than daily children's entertainment programming hours, in order to accord licensees greater flexibility.

Generally, CTW believes that a percentage test is more effective than a standard based on an absolute number of minutes or hours, in that it will provide a better balance between each individual licensee's educational and non-educational children's programming. On the other hand, given the fact that some stations today carry virtually no children's programming at all, the Act's bedrock principle that every licensee has a public interest obligation to serve the educational and informational needs of children will be ill served if a licensee may fulfill that obligation with a single educational half-hour program per week.^{4/} For such stations, one full unduplicated hour per week should be a bare minimum.

CTW also notes that to meet the "core" programming requirement, stations should be required to air educational programming at times when substantial numbers of children can be expected to be in the viewing audience. Thus, for instance, no credit could reasonably be given for a children's program broadcast at 5 a.m. on a weekday.

^{4/} The Commission appears to agree with this observation. See Notice at 1842 n.12.


IV. PRIMARY RELIANCE SHOULD BE PLACED ON STANDARD-LENGTH
RATHER THAN SHORT-SEGMENT PROGRAMMING.

Children's Television Workshop agrees with the

increase the amount of qualifying children's educational programming that is broadcast.

Respectfully submitted,

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